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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,387	11/08/2001	Shinichi Fujinoki	Q67184	5638

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EXAMINER

AGUSTIN, PETER VINCENT

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,387

Applicant(s)

FUJINOKI ET AL.

Examiner

Peter Vincent M Agustin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors, e.g.

Page 2, lines 6, 8 & 17 "inforamtion" should be --information--.

Page 8, line 2, "b" should be --be--.

Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

3. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The limitation "engagement aperture portion" recited on claim 4 has not been described in the specification.

Claim Objections

5. Claim 7 objected to because of the following informalities: On page 40, line 2, the phrase "for branching a going path" is awkward. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 1 recites the limitation "said grating adjustment structure" on line 17.

There is insufficient antecedent basis for this limitation in the claim.

9. Claim 7 recites the limitations "an axis line of the light beam" on page 40, line 12 and "the axis line of said optical parts accommodation module" on page 40, lines 15-16. The phrase "the axis line of said optical parts accommodation module" is misdescriptive. The limitation "the axis line" is used in conjunction with both "axis line of the light beam" and "axis line of said optical parts accommodation module."

Allowable Subject Matter

10. Claims 1-7 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
11. The following is a statement of reasons for the indication of allowable subject matter:

In regard to independent claim 1, no prior art of record alone or in combination discloses the claimed optical parts accommodation module mounted on a carriage body in such a way that the optical parts accommodation module is allowed to rotate with an axis line of a light beam. The optical parts accommodation module is being provided in

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this manner in order to compensate for a grating offset, which is inevitable at the time of assembling the optical parts, by making it possible to rotate the module with respect to the axis line, thereby performing accurate tracking control.

In regard to independent claim 7, no prior art of record alone or in combination discloses the claimed optical parts accommodation module mounted on an optical pickup apparatus, the optical parts accommodation module being provided in this manner in order to compensate for a grating offset, which is inevitable at the time of assembling the optical parts, by making it possible to rotate the module with respect to the axis line, thereby performing accurate tracking control.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morishita (US 6,185,180) discloses an optical pickup device having all the components of claim 1 of the instant application, i.e., a carriage body, a light beam emitting portion, a light beam receiving portion, a beam splitter and a grating, except an optical parts accommodation module mounted on the carriage body.

Masunaga (US 5,056,891) discloses a portion that holds a semiconductor laser, a grating holder, and grating. It also includes a slide groove that slidably holds the grating holder. The grating holder is also provided with an engaging portion.

Hirakui (JP 62157367) discloses a technique of miniaturizing a disk playing device. The invention includes a sliding element that slides a cam.


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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Vincent Agustin whose telephone number is (703) 305-8980. The examiner can normally be reached on Monday thru Friday 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PVA
02/20/2004



BRIAN E. MILLER
PRIMARY EXAMINER